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CITY OF ANTIOCH

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

22 SANTEYA DANYELL WILLIAMS,
MARY RUTH SCOTT, KAREN
23 LATREECE COLEMAN, PRISCILLA
BUNTON, and ALYCE DENISE PAYNE,
24 on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CITY OF ANTIOCH,

Defendant.

No. C-08-2301 SBA (EDL)
ORDER as Amended
**STIPULATION BETWEEN THE
PARTIES AND ORDER REGARDING
CONFIDENTIAL INFORMATION,
PERSONNEL AND COMPLAINT
DOCUMENTS**

1 The parties expect that discovery in this action may involve disclosure of documents that
2 may have personally identifiable information of a private nature, such as documents indicating
3 interaction with the Antioch Police Department. In addition, plaintiffs have requested certain
4 personnel and complaint related documents.

5
6 The parties hereby stipulate:

7 1. Confidential Information. For purposes of this Stipulation and Protective order,
8 “confidential information” means information that is produced in discovery or initial disclosures
9 that identify an individual by name and/or address in a document that indicates interaction with
10 the Antioch Police Department or discloses personal information of a private nature such as
11 health or financial information. A document is not subject to this Stipulation and Protective
12 Order if: 1) personally identifying information is redacted; 2) the document has been produced
13 by a third-party or was produced by defendant pursuant to a Public Records Act request; 3) the
14 document is publicly available; or 4) the document does not contain information that a
15 reasonable person would consider confidential.
16

17 Any party who believes a document contains protected confidential information shall
18 stamp the document with the designation “confidential” or provide a log that lists the document
19 as confidential. Upon written notice from the non-producing party, the designating party must
20 provide a written justification for any document deemed confidential within five days of the
21 objection. If the non-producing party is not satisfied with the explanation, after meeting and
22 conferring, the court shall determine whether the designation is justified, upon motion of the
23 designating party. In any proceeding, the burden of justifying the confidential status of the
24 document shall be on the designating party. The parties shall meet and confer about the treatment
25 of any documents that identifies juveniles.
26

27 The parties hereby agree that documents containing confidential information received in
28

1 discovery in this case shall be used solely for purposes of this litigation and shall not be
2 disclosed to the public or parties not involved in this litigation. Nothing in this Stipulation and
3 Protective Order shall prohibit disclosure of any confidential information to court reporters and
4 professional vendors (i.e. videographers etc.), the court and its personnel, a party, a party's
5 attorney, support staff, consultants and experts or to an individual who created, is the source of
6 information or received the document containing confidential information, or who is named or
7 identified in the document or whose family member or housemate is named in the document.
8

9 2. APD Personnel and Complaint Documents. Plaintiffs have sought discovery of the
10 personnel documents of certain police officers of the Antioch Police Department (APD) and
11 complaints against the Police Department. Defendant has objected to this discovery.
12

13 Defendant shall produce personnel documents (i.e. documents specified in Plaintiffs'
14 First Request for Production of Documents Nos. 34, 36, 37) for current and former members of
15 APD's Community Action Team (CAT) and Chief Hyde.

16 Defendant shall produce all documents concerning complaints of police misconduct
17 (Requests No. 69, 70) concerning Chief Hyde and current or former members of the CAT. In
18 addition, defendant shall produce all documents concerning complaints of police misconduct for
19 any other current or former APD officer that includes any claims of race discrimination,
20 unlawful or improper searches, or unlawful or inappropriate response to a domestic violence
21 situation.
22

23 Plaintiffs may request personnel documents or complaints regarding non- CAT APD
24 officers provided plaintiffs explain the relevance of such discovery. The parties shall thereafter
25 meet and confer about such production. If defendant does not agree to produce the requested
26 documents, they shall be submitted, along with plaintiffs' explanation of relevance, to the
27 Magistrate Judge for in camera review.
28

1 3. Unredacted Documents. Defendant shall produce all documents in unredacted form,
2 subject to, where appropriate, the terms of this order regarding confidential information.
3

4
5 DATED: February 20, 2009

By: /s/ Brad Seligman
Brad Seligman
Attorney for Plaintiffs

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7
8
9 DATED: 2/20/09

By: [Signature]
James Fitzgerald
Attorney for Defendant

10
11
12 IT IS SO ORDERED.
13 Civil Local Rule 79-5 sets forth the procedures that must be followed for seeking leave to file
14 material under seal.

15 DATED: February 26, 2009

